

Exhibit “N”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|------------------------|
| IN RE: NEW ENGLAND |) | |
| COMPOUNDING PHARMACY, |) | MDL No. 2419 |
| INC. PRODUCTS LIABILITY |) | Master Docket No.: |
| LITIGATION |) | 1:13-md-2419-RWZ |
| |) | |
| THIS DOCUMENT RELATES TO: |) | Honorable Rya W. Zobel |
| All Actions |) | |
| _____ |) | |

VIDEOTAPED DEPOSITION OF:

GREGORY B. LANFORD, M.D.

Taken on behalf of the Plaintiffs

September 18, 2015

DISCOVERY LITIGATION SERVICES
100 Mayfair Royal
181 14th Street, NE
Atlanta, Georgia 30309
404.847.0999

1 APPEARANCES:

2 For the Plaintiffs:

3 MARK P. CHALOS, ESQ.
4 Lief Cabraser Heimann & Bernstein, LLP
5 One Nashville Place
6 150 Fourth Avenue North, Suite 1650
7 Nashville, Tennessee 37219-2423
8 615-313-9000
9 mchalos@lchb.com

10 BENJAMIN A. GASTEL, ESQ.
11 RAQUEL L. BELLAMY, ESQ.
12 Branstetter, Stranch & Jennings, PLLC
13 223 Rosa L. Parks Avenue
14 Suite 200
15 Nashville, Tennessee 37203
16 615-254-8801
17 beng@bsjfirm.com
18 raquelb@bsjfirm.com

19 DANIEL L. CLAYTON, ESQ.
20 Kinnard, Clayton & Beveridge
21 127 Woodmont Boulevard
22 Nashville, Tennessee 37205
23 615-297-1007
24 dclayton@kcbattys.com

25 For Saint Thomas Hospital, Saint Thomas Health, and
Saint Thomas Network:

17 ADAM T. SCHRAMEK, ESQ.
18 Norton Rose Fulbright
19 98 San Jacinto Boulevard
20 Suite 1100
21 Austin, Texas 78701-4255
22 512-474-5201
23 adam.schramek@nortonrosefulbright.com

21 AMY D. HAMPTON, ESQ.
22 Bradley Arant Boult Cummings, LLP
23 1600 Division Street
24 Suite 700
25 Nashville, Tennessee 37203
615-252-2379
ahampton@babbc.com

1 APPEARANCES (Continued):

2 For Specialty Surgery Center and Kenneth R. Lister, M.D.

3 ASHLEY E. GENO, ESQ.

4 Brewer, Krause, Brooks, Chastain & Burrow,
5 PLLC

611 Commerce Street

Suite 2600

Nashville, Tennessee 37203

615-256-8787

ageno@bkblaw.com

7
8 For Howell Allen, a Professional Corporation; Saint
9 Thomas Outpatient Neurosurgical Center, LLC; and
10 Scott Butler:

11 C.J. GIDEON, JR., ESQ.

12 MATTHEW CLINE, ESQ.

13 CHRISTOPHER TARDIO, ESQ.

14 Gideon, Cooper & Essary, PLC

15 315 Deaderick Street

Suite 1100

Nashville, Tennessee 37238

615-254-0400

cj@gideoncooper.com

matt@gideoncooper.com

chris@gideoncooper.com

16 *The following attorneys appeared via video stream*

17 For Defendants Ocean State Pain Management, PC, and
18 Abdul R. Barakat, M.D.:

19 RYAN DONAHUE, ESQ.

20 Capplis, Connors & Carroll, PC

21 18 Tremont Street

Suite 330

Boston, Massachusetts 02108

617-227-0722

rdonahue@ccclaw.org

22 For Tim I. Chowdhury, M.D.:

23 BARTHOLOMEW T. FREEZE, ESQ.

24 Freund, Freeze & Arnold

65 East State Street

Suite 800

Columbus, Ohio 43215-4247

614-827-7300

1 APPEARANCES (Continued):

2 For Advanced Pain & Anesthesia Consultants, PC; BKC Pain
3 Specialists; and Cincinnati Pain Management
Consultants, Inc.:

4 ANTHONY ABELN, ESQ.
Morrison Mahoney, LLP
5 250 Summer Street
Boston, Massachusetts 02210
6 617-439-7500
aabeln@morrisonmahoney.com

7
8 For a Defendant Party:

9 HEATHER KANNY, ESQ.
Fraley & Fraley, LLP
10 901 Main Street
Suite 6300
11 Dallas, Texas 75202
214-761-6460
hkanny@fraley-law.com

12 Also Present:

13 The Court Reporter:

14 PAMELA P. WILLIS, TLCR NO. 229
15 Discovery Litigation Services
100 Mayfair Royal
16 181 14th Street NE
Atlanta, Georgia 30309
17 404.847.0999

18 The Videographer:

19 MICHAEL MITCHELL
20 VCE Legal Videography

21 SCOTT BUTLER
22
23
24
25

1 Q. Who is in charge of it today?

2 A. I don't know.

3 Q. Is there any full-time staff at the imaging
4 center?

5 A. Yes.

6 Q. Is that open Monday through Friday?

7 A. And part of the day on Saturday, yes.

8 Q. Are any physicians at the imaging center full
9 time?

10 A. There are some radiologists who are there full
11 time, yes.

12 Q. Did you play any role in ordering the MPA that
13 was used at STOPNC?

14 A. No.

15 Q. Were you ever consulted about where the -- what
16 vendor STOPNC should purchase MPA from?

17 A. No.

18 Q. I'm sorry; was that no?

19 A. No.

20 Q. Were you aware that Dr. Culclasure and
21 Nurse Schamberg were ordering MPA from any source at the
22 STOPNC?

23 A. No.

24 Q. Do you know what a compounding pharmacy is?

25 A. I know loosely what it is, yes.

1 are actually done at what's called the Jennie Stuart
2 Outpatient Surgery Center there by an anesthesiologist
3 who's unaffiliated with us. And it's not uncommon for
4 that to occur in our other outreach areas as well.

5 Q. For patients who live in the Greater Nashville
6 area, are all of those patients referred to STOPNC for
7 epidural steroid injections?

8 A. Not necessarily.

9 Q. And are there other providers in the Nashville
10 area to whom Howell Allen Clinic patients are referred
11 for ESIs?

12 A. There are numerous different places. There's
13 not a preferred place that they go, but there are other
14 places people get epidural steroid injections, yes.

15 Q. That are referred by Howell Allen Clinic
16 physicians?

17 A. Yes.

18 Q. Does the Howell Allen Clinic have referral
19 arrangements with any other facilities other than
20 STOPNC?

21 A. No.

22 Q. Does STOPNC see patients for epidural steroid
23 injections who were referred by providers not affiliated
24 with Howell Allen?

25 A. No.

1 Q. So in order to get an epidural steroid
2 injection at STOPNC, you must be referred by a Howell
3 Allen physician?

4 A. Yes.

5 Q. Why is that?

6 A. It's part of our practice, and it's the way the
7 center is licensed. We have a CON. That's the way it's
8 licensed, and that's the way it's been since it opened.

9 Q. Can physicians affiliated with Saint Thomas
10 Hospital refer patients to STOPNC?

11 A. If they're patients of Howell Allen.

12 Q. So if a patient sees a physician at
13 Saint Thomas Hospital and they want to get an epidural
14 steroid injection, they have to first be referred to
15 Howell Allen, and then Howell Allen can refer them to
16 STOPNC?

17 A. It's possible it could occur that way, but
18 also, if a physician has a patient in the hospital that
19 needs an epidural steroid injection, it's more likely it
20 would just be performed at the hospital.

21 Q. At some point, there was a discussion between
22 Saint Thomas and Howell Allen Clinic about Howell Allen
23 physicians serving -- or entering into an on-call
24 arrangement; is that right?

25 A. Yes.

1 MR. CHALOS: Objection, form.

2 THE WITNESS: No.

3 MR. CHALOS: Calls for a legal conclusion.

4 BY MR. SCHRAMEK:

5 Q. I mean, people use "partnership" in lots of
6 different contexts, don't they?

7 A. I'm not sure what other people use it in terms
8 of, but I think we clarified what I meant.

9 Q. All right. And Exhibit 174 reflects that the
10 half owner of STOPNC is, in fact, the Saint Thomas
11 Network, right?

12 A. Correct.

13 Q. The hospital -- you understand the hospital is
14 a separate legal entity, right?

15 A. Yes.

16 Q. And the hospital has never owned any interest
17 in STOPNC, has it?

18 A. They've only provided services, that's correct.

19 Q. They provide services pursuant to certain
20 agreements, right?

21 A. Yes.

22 Q. And so today whenever you talked about, quote,
23 Saint Thomas and you didn't provide any other context
24 about Saint Thomas being a partner or Saint Thomas doing
25 that, is it fair to say you were referring to the entity

REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition, GREGORY B. LANFORD, MD, was by me duly sworn to testify in the within entitled cause; that the said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a Shorthand Reporter and Notary Public of the State of Tennessee authorized to administer oaths and affirmations; that there was a request that the witness read and sign this deposition; and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand the 29th of September, 2015.

Pamela P. Willis, TLCR No. 229
My Commission Expires: 9/11/2017